

Mar-01-05 03:35pm From-Cooper&Dunham LLP

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T-007 P-010/023 F-743

## **EXHIBIT A**

Docket No. 1919/60390-IP/JPW/GJG/JBC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED  
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Applicants: Arlindo L. Castelhano et al.

MAR 01 2005

Serial No.: 10/718,411

Filed : November 20, 2003

Title : COMPOUNDS SPECIFIC TO ADENOSINE A<sub>1</sub> RECEPTOR AND USES THEREOF1185 Avenue of the Americas  
New York, New York 10036Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Petitioner, OSI Pharmaceuticals, Inc., having a current place of business at 58 South Service Road, Suite 110, Melville, New York 11747, and previously at 106 Charles Lindbergh Blvd., Uniondale, New York 11553 as indicated in the Certificate attached hereto as Exhibit 1, the assignee of record of the entire right, title and interest in the above-identified application by virtue of an assignment from Arlindo L. Castelhano, Bryan McKibben and David J. Witter, in connection with U.S. Application No. 10/000,280, of which the subject application is a continuation, which was recorded with the United States Patent and Trademark Office on April 3, 2002 at Reel 012791, Frames 0075-0078, a copy of which is attached hereto as Exhibit 2, hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the subject application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on commonly assigned U.S. Serial No. 10/000,280. Petitioner hereby agrees that any patent granted on the subject application shall be enforceable only for and during such period that such patent and any patent granted on U.S. Serial No. 10/000,280 are commonly

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owned. This agreement runs with any patent granted on the subject application and is binding upon the grantee, its successors and assigns.

In making the above disclaimer, petitioner does not disclaim the terminal portion of any patent granted on the subject application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on U.S. Serial No. 10/000,280 in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

I certify that I have reviewed the above-identified assignment, a copy of which is attached hereto as **Exhibit 2**, and that, to the best of my knowledge and belief, OSI Pharmaceuticals, Inc., has the entire right, title and interest in the subject application. I further certify that I am authorized to sign this Terminal Disclaimer on behalf of OSI Pharmaceuticals, Inc., as indicated.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

OSI Pharmaceuticals, Inc.

Date: 11/19/04 By: Neil Gibson

Mr. Neil Gibson  
Vice President, Research